

COMMUNICABLE DISEASES

Effective Date: 8/8/88

I. PURPOSE

The purpose of this policy is to establish uniform standards throughout the Department which address issues concerning communicable diseases, including AIDS, as they relate to DSCYF employees and clients. This policy addresses types of communicable diseases which may be acquired through three different means:

- A. Those diseases which may be acquired through sexual contact, such as AIDS, Hepatitis B, syphilis, and gonorrhea.
- B. Those diseases which may be acquired through blood or body product transmission, including the handling of waste products, such as AIDS, Hepatitis B, and Hepatitis A.
- C. Those diseases which may be acquired through environmental and airborne exposure, transmission means being through the respiratory tract, such as bacterial meningitis and tuberculosis.

II. POLICY

This policy addresses only those communicable diseases which are serious conditions in that they may require hospitalization, or may be construed as being life threatening. This policy addresses all communicable diseases within this category and includes, but is not limited to, those mentioned. Furthermore, it is the expectation of this Department that all employees knowing or suspecting that they have contracted a communicable disease as defined above will seek medical attention. It is further the expectation of this Department that employees suspecting or knowing of any clients contracting an infectious/contagious disease as defined above have the obligation to inform the proper supervisor, according to Departmental/Divisional policy and operating procedures. This policy has been developed in the context of the following principles:

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- A. Reasonable safeguards and infection control measures should be practiced routinely to prevent the spread of any infectious disease and are sufficient to reduce the already low risk of transmission of most communicable diseases, including AIDS, in any workplace setting.
- B. Clients who have, or may be at risk of getting any communicable disease, including AIDS, do not forfeit any rights of access, confidentiality, or assignment regarding the services and protection offered by the Department, and thus have the right to the same services offered other clients.
- C. DSCYF employees, volunteers, contractors, and subcontractors who have, or may be at risk of acquiring any communicable disease, including AIDS, do not forfeit any rights of employment, confidentiality, or assignment offered by the Department.
- D. Current research indicates that AIDS is transmitted by sexual contact, injection of contaminated blood, and from infected mother to newborn or unborn child. The kind of professional relationships (non-sexual person-to-person contact) expected of workers and clients does not pose a risk for spreading AIDS.

III. **DEFINITIONS**

To ensure clarity, the following definitions are to be used when reading and interpreting this policy:

- A. Communicable Disease--A disease capable of being transmitted from one individual to another.
- B. AIDS--This condition is known as Acquired Immunodeficiency Syndrome, and is characterized by a breakdown of the body's disease defense system, producing susceptibility to certain diseases. This

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definition is consistent with the case definition used by The Centers for Disease Control for national reporting.

- C. HIV--The virus commonly accepted to be the cause of AIDS and related conditions, also known by various names such as Human T-Lymphotropic Virus Type III (HTLV-III), Lymphadenopathy-Associated Virus (LAV), AIDS Related Virus (ARV), and Human Immunodeficiency Virus (HIV).
- D. Invasive Procedure--Any surgical entry into tissues, cavities, or organs or repair of major traumatic injuries in an operating or delivery room, emergency department, or outpatient setting, including both physicians' and dentists' offices; manipulating, cutting, or removal of any oral or perioral tissues including tooth structure, where bleeding occurs or the potential for bleeding exists.
- E. Parenteral--Brought into the body some way other than through the digestive tract such as by intravenous injection.

IV. **PROCEDURES**

A. Education

Inadequate and inaccurate information regarding certain communicable diseases, AIDS, and AIDS-related conditions may give rise to irrational and groundless concern among employees and DSCYF clients. It is, therefore, the intention of this Department to provide and plan for education concerning communicable disease and communicable disease transmission. Therefore the Department shall offer training preparing all employees, volunteers to: Understand AIDS and AIDS transmission, to understand other communicable-disease transmission, to protect their own health, to protect the health of those they may come in contact with, and to work effectively with all those parties involved in the delivery and receipt of the

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Department. Each Division shall offer similar training to contracted providers, related subcontractors, and, where appropriate, foster parents and clients. In addition, each Division shall ensure that contractors, without exception, provide similar training and education programs to all relevant employees, volunteers, clients, and subcontractors.

The Department will provide a recommended curriculum and materials as well as limited staff support through the Divisions of Administration and Program Support. Other resources include the Department's AIDS Task Force and the AIDS Program Office in the Division of Public Health, the Division of Public Health, and the Center for Disease Control.

B. Confidentiality

Current Delaware Law and Departmental policy sanction the sharing of substantial amounts of highly sensitive client information among numerous agencies, practitioners, and review bodies. All existing policies and safeguards regarding the confidentiality of client and employee records and information apply to disease-related information. It is, therefore, the expectation of the Department that, beyond the basic safeguards and laws protecting all client and/or employee information, the utmost importance be placed on preventing the unauthorized and/or unnecessary disclosure of information regarding employee and/or client disease status, in accordance with Merit Rule No. 15.0222.

C. Non-Discrimination - Personnel

Comprehensive medical research has established that the only currently known routes of transmission of AIDS are intra-uterine, by injection of contaminated blood, intravenous drug administration with

contaminated needles, or by direct sexual contact. The normal work-setting behavior expected of all employees and the accepted non-sexual person-to-person contact between employees and clients does not represent a risk for the transmission of AIDS. Therefore, each Division will ensure the following:

1. Employees having or affected by AIDS shall be afforded full confidentiality through the Department, as well as full protection of the Department's present non-discrimination policy. Employees having or affected by any communicable disease will be accorded the same confidentiality and protection.
2. Routine infection control procedures shall be developed and implemented which are appropriate to each workplace and service delivery environment, and employees, clients, volunteers, contractors, and subcontractors will be informed of these procedures.
3. No present or prospective employee shall be denied employment or be otherwise discriminated against on the basis of whether the employee has AIDS, is potentially infected with HIV, or has contracted or is potentially infected with a communicable disease. Such employees will not be restricted from work except under circumstances for which any employee should also be restricted.
4. Employees who perform or assist with invasive medical procedures and who have AIDS, are potentially infected with HIV, or infected or potentially infected with a communicable disease need not be restricted from work, except under circumstances for which any such employee should be

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restricted, so long as appropriate routine infection control procedures are practiced.

5. Contractors should develop similar policies, consistent with those adopted by the Department.

D. Non-Discrimination - Service Delivery

Employees, volunteers, contractors, and subcontractors shall abide by all Department policies regarding communicable disease and AIDS, and shall not discriminate against anyone on the basis of sexual orientation, exposure to AIDS, presence of AIDS, or exposure to or presence of any communicable disease. Employees, contractors, and subcontractors found to be in violation of Department policies shall be subject to disciplinary actions consistent with Departmental policy and Delaware and Federal laws.

Further, clients having or affected by communicable disease, including AIDS, shall be afforded the full protection of the Department's non-discrimination policy. Therefore, it is the policy of the Department that:

1. Any client who would normally receive services offered by the Department shall not be denied such services on the basis of the presence of AIDS, potential infection with HIV, potential for acquiring AIDS, presence of any communicable disease, potential infection of any communicable disease, or potential for acquiring any communicable disease.
2. Since the risk of acquiring AIDS and more serious communicable diseases in the workplace is small, no employee shall be excused from providing services which would normally be provided to a client having or suspected of having any

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communicable disease, including AIDS, or infection with HIV.

An employee refusing to provide usual and expected services, once communicable disease training/education and necessary safeguards have been provided, shall be subject to normal disciplinary processes of this Department, as stated in the Merit Rules or in the appropriate bargaining agreement.

3. Each Division shall ensure that contractors and subcontractors adhere to non-discrimination policies consistent with the Department Policy.

E. Program Planning

Each Division which offers direct services to clients will construct a plan for funding and providing whatever specialized services may be required for children with AIDS or any communicable disease. Assistance with identification of needs and services is available through the Departmental AIDS Task Force, Division of Public Health, and the Center for Disease Control. The Division of Program Support will assist other Divisions in planning and implementation.

F. Placement Planning

Decisions regarding the selection of residential care settings for a child infected with HIV or any communicable disease should be based on an assessment of the behavior, neurologic development, physical condition of the child, the skills and services available in the placement setting, and the anticipated types of interaction with others in the placement setting. Except where the presence or risk of communicable disease presents specialized care needs, the presence or risk of communicable diseases should not be the mitigating factor in the placement decision.

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Should the presence or risk of the communicable disease, including AIDS, present specialized care needs for a child, it is the policy of the Department to convene a team of professionals to dictate the placement decision. Participants in the placement planning process should include the child's physician, Division of Public Health, the child's parent/guardian, the Department or Division Case Manager, the proposed placement provider, and the Office of Case Management. The Office of Case Management will convene the Team upon notification by the child's Case Manager.

G. Serologic Screening for AIDS

The HIV Serologic Screening Tests currently in use are limited, identifying only those individuals who have developed antibodies to the virus. These tests: do not identify persons having AIDS; do not detect the presence of virus; are not diagnostic for AIDS; and are primarily useful for the purpose of reducing the risk of using contaminated blood supplies.

The AIDS Program Office in the Division of Public Health recommends individual testing for potential infection with HIV only for the following reasons: 1) client anxiety reduction; 2) pregnancy planning; 3) diagnosis of an existing medical condition when other potential diagnoses are ruled out; 4) association with a program having as its major purpose control of transmission of AIDS; 5) client request; 6) an employee has a (parenteral or mucous membrane) exposure to blood or other body fluids of a patient assessed, by physical and/or social history, as likely to be infected with HIV; and/or, 7) in accordance with approved research and evaluative protocols. Given these recommendations, it is the policy of the Department to:

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1. Prohibit routine HIV serological screening of employees, prospective employees, volunteers, contractors, subcontractors, or clients.
2. Ensure that any Division whose employee, volunteer, contractor, subcontractor, or client who may, in the performance of normal, assigned, and/or expected duties and interactions, be exposed (parenteral or mucous membrane) to blood or other body fluids from a person who has or is likely to have AIDS, has access to serological testing.
3. Ensure that the results of any such serological testing be performed, recorded, reported, and maintained in a confidential and discrete matter between the person tested and the medical professional/facility performing such tests.

H. Policy Review and Update

The Department will seek the assistance and advice of the Division of Public Health in determining future policy additions and revisions having to do with the protection and maintenance of employee, volunteer, contractor, subcontractor, and client health.

This policy shall be reviewed and updated at least annually in order to guarantee that this and related policies remain in accord with advancing medical and technological knowledge.